IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3758 OF 2005
IN
FIRST APPEAL NO.1468 OF 2005

The State of Maharashtra ...Applicant
Vs.
Vijay Raghunath Bane & Ors. ...Respondents

Shri A.R.Patil, A.G.P. for the Applicant.
Shri Anup Sharma i/by Shri S.M.Kazi for the Respondent No.1.
Ms R.Bhargavan i/by Bhargavan & Associates for the Respondent No.3.

CORAM : A. S. OKA, J.
DATE : AUGUST 04, 2006.

P.C.:

1. Rule. The Advocates for the Respondent Nos.1 and 3 waive service. Service to other Respondent is dispensed with for the purposes of this Application. An order is already passed directing the Applicant to deposit 50% of the amount. The amount is accordingly deposited in this court.

2. The Applicant will have to deposit entire amount payable under the impugned award. Sufficient time will have to be granted. Considering the evidence on record, certain amount will have to be permitted to withdrawn by the first Respondent till the final disposal of the Appeal.

3. Hence, I pass the following order:

(i) There will be interim relief in terms of prayer clause (b) subject to condition of the Applicant depositing in this Court the entire amount due and payable under the impugned judgment and award within eight weeks from today. The Applicant will be entitled to adjustment of Rs.25,000/- deposited alongwith the Appeal and the amount which is already deposited in terms of ad-interim order.

(ii) The Respondent No.1 will be entitled to withdraw a sum of Rs.80,000/- without furnishing security subject to final outcome of the Appeal.

(iii) The Respondent No.1 will be permitted to withdraw a further amount of Rs.70,000/- on furnishing security to the satisfaction of Registrar (Judicial I) of this court. Rest of the amount shall be invested by the Registrar (Judicial I) in fixed deposit in any

nationalised bank initially for a period of three years and thereafter the fixed deposit shall be renewed from year to year till the disposal of the Appeal.

JUDGE